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SIXTY-FIRST LEGISLATURE

**FIFTIETH LEGISLATIVE DAY
MONDAY, FEBRUARY 27, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Cameron, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Karl Lundgren, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 27, 2012

The JUDICIARY AND RULES Committee reports that [S 1346](#) has been correctly printed.

DARRINGTON, Chairman

[S 1346](#) was referred to the Agricultural Affairs Committee.

February 24, 2012

The AGRICULTURAL AFFAIRS Committee reports out [H 389](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[H 389](#) was filed for second reading.

February 24, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [SCR 120](#) with the recommendation that it do pass.

PEARCE, Chairman

[SCR 120](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [S 1321](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

PEARCE, Chairman

There being no objection, [S 1321](#) was referred to the Fourteenth Order of Business, General Calendar.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 24, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William H. Goesling of Moscow, Idaho, was appointed as a member of the State Board of Education to serve a term commencing April 19, 2011, and expiring March 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 24, 2012

Dear Mr. President:

I transmit herewith [H 574](#), [H 489](#), [H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 574](#), [H 489](#), [H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that [SCR 121](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Bair, [SCR 121](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [SCR 122](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, [SCR 122](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [HCR 33](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Johnson, [HCR 33](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 574](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 489](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1319](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1309](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1305](#) retained its place on the Third Reading Calendar for Thursday, March 1, 2012.

On request by Senator Corder, granted by unanimous consent, [S 1255](#), as amended, was referred to the Fourteenth Order of Business, General Calendar.

[SJR 106](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

More than two-thirds having voted in the affirmative, the President Pro Tempore declared [SJR 106](#) adopted, title was approved, and the resolution ordered transmitted to the House.

[S 1294](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate.

On request by Senator Bock, granted by unanimous consent, [S 1294](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1324](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [S 1324](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 394](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [H 394](#) passed, title was approved, and the bill ordered returned to the House.

H 438 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 438** passed, title was approved, and the bill ordered returned to the House.

H 405 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 405** passed, title was approved, and the bill ordered returned to the House.

H 469 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippetts, Toryanski, Vick, Winder. Total - 28.

NAYS—Bock, Johnson, Malepeai, Schmidt, Stennett. Total - 5.

Absent and excused—Werk. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 469** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, February 28, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary